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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent Application of

Peter Michael Waterhouse et al.

Application No.: 09/287,632

Filing Date: April 7, 1999

Title: METHODS AND MEANS FOR OBTAINING MODIFIED PHENOTYPES

Group Art Unit: 1635

Examiner: JANE J ZARA

Confirmation No.: 6526

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_  
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	71	MINUS 71 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	17	MINUS 17 =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

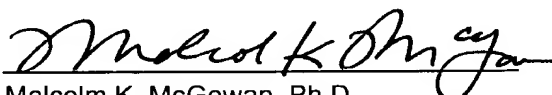
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: Dec. 3, 2004

By   
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of  
Peter Michael Waterhouse et al.

Application No.: 09/287,632

Filed: April 7, 1999

For: METHODS AND MEANS FOR  
OBTAINING MODIFIED  
PHENOTYPES

) **Mail Stop Amendment**

) Group Art Unit: 1635

) Examiner: JANE J ZARA

) Confirmation No.: 6526

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action dated November 3, 2004, requiring restriction under 35 USC 121, Applicants hereby elect, albeit with traverse, the claims of Group II, claims 22, 26, 42, 53, 54, 56, 58, 63-69, 85-87, 100-103, and 106-108.

According to MPEP §803, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." *MPEP 800-4*. Claims belonging to Group I (including claims 1-10, 12, 40, 43, 44, 46, and 50) have been copending with claims of Group II (including claims 22, 26, 42, 53, 54, 56, 58, and 62-63) for more than two years. Claims from both groups have already been examined on the merits. Accordingly, Applicants respectfully submit that the examination of both groups of claims on the merits cannot possibly constitute a serious burden on the Examiner. On this basis alone, withdrawal of the

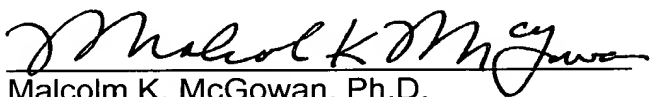
Restriction Requirement and further examination of all of the pending claims on the merits is respectfully requested.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 03, 2004

By:   
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